



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR 1 - 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Case No. 2014303

7012 2210 0001 2356 8565

Ms. Phyllis Harris, Senior VP and Chief Compliance Officer
Wal-Mart Stores, Inc.
702 S.W. Sth Street, MS 0050
Bentonville, AR 72716

**Re: Notice of Warning for Violation of the Federal Insecticide, Fungicide,
and Rodenticide Act for sale/distribution of unregistered pesticide
products.**

Dear Ms. Harris:

This Notice constitutes a warning pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 United States Code (U.S.C.) § 136g(c)(3), and notifies you that the United States Environmental Protection Agency (EPA) has reason to believe that you are in violation of Sections 12(a)(1)(A) and 12(a)(1)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

On November 13, 2013, duly authorized EPA inspectors conducted an inspection at Kinetic, A Division of Pathway ("Kinetic") located at 150 Engle Street, Englewood, New Jersey. Based on the information gathered by EPA prior to, during and/or subsequent to this inspection, EPA has determined that Kinetic distributes/sells the:

- **Kinetic Go Green Premium Nanosilver Food Storage Containers,**
- **Kinetic Smartwist Series Containers,**
- **TRITAN Food Storage with Nano-Silver, and**
- **StackSmart Storage with Nano-Silver**

line of products through Wal-Mart. A review of the Wal-Mart website shows that these products are offered for sale with the following pesticidal claims:

1. "Go Green Premium Nano Silver is 21st century line of air tight, water tight and Nano Silver embedded food storage containers. Silver particles are embedded in plastic which makes the plastic resistant to the formation of mold or bacteria which significantly extends the life of food",
2. "Kills over 650 types of bacteria",
3. "Nano silver's effectiveness is not weakened as it destroys bacteria",

4. "Micro-particles of antimicrobial silver are infused into the propylene to protect the containers against mold, fungus and other microorganisms",
5. "BPA-free and resistant to mold and bacteria, significantly extending the life of food", and
6. "Nano-sized silver particles allow food to stay fresh up to 3 times longer".

Additionally, at least two of the above mentioned products contain nano silver, an unregistered pesticide. Due to the presence of nano silver and/or the above mentioned claims, these products are regarded as unregistered pesticide products. The distribution or sale of an unregistered product is considered to be a violation of Section 12(a)(1)(A) of FIFRA. Furthermore, the Wal-Mart website contain false and misleading statements, such as "FDA approved Nano Silver technology", and "safe". These statements render these products as misbranded as per Section 2(q) of FIFRA; the distribution/sale of a misbranded pesticide is considered to be a violation of Section 12(a)(1)(E) of FIFRA.

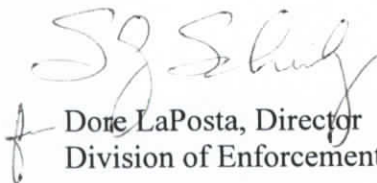
Based upon the above-described violations, EPA requests that you remove these products (all sizes) from your distribution. Please be aware that unlawful acts under Section 12 of FIFRA may be subject to civil and criminal penalty provisions authorized under Section 14 of FIFRA, 7 U.S.C. § 136l.

This letter represents a formal Notice of Warning, issued pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act. Please inform us in writing within 30 days of receipt of this Notice of Warning of the corrective actions you have taken. Your reply, with supporting documentation, should be sent to:

Aarti Reddy
Environmental Engineer, Pesticides Team
U.S. Environmental Protection Agency
Region 2, Edison Facility
2890 Woodbridge Avenue, MS-500
Edison, New Jersey 08837
reddy.aarti@epa.gov

If you have any questions or concerns regarding this matter, please feel free to contact Ms. Aarti Reddy of my staff at (732) 906-6686.

Sincerely,



Don LaPosta, Director
Division of Enforcement and Compliance Assistance



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APR 1 - 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Case No. 2014305

7012 2210 0001 2356 8589

Mr. Michael Jacobson, Senior VP Legal Affairs
eBay Inc.
2065 Hamilton Avenue
San Jose, CA 95125-5904

**Re: Notice of Warning for Violation of the Federal Insecticide, Fungicide,
and Rodenticide Act for sale/distribution of unregistered pesticide
products.**

Dear Mr. Jacobson:

This Notice constitutes a warning pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 United States Code (U.S.C.) § 136g(c)(3), and notifies you that the United States Environmental Protection Agency (EPA) has reason to believe that you are in violation of Sections 12(a)(1)(A) and 12(a)(1)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

On November 13, 2013, duly authorized EPA inspectors conducted an inspection at Kinetic, A Division of Pathway ("Kinetic") located at 150 Engle Street, Englewood, New Jersey. Based on the information gathered by EPA prior to, during and/or subsequent to this inspection, EPA has determined that Kinetic distributes/sells the:

- **Kinetic Go Green Premium Nanosilver Food Storage Containers,**
- **Kinetic Smartwist Series Containers,**
- **TRITAN Food Storage with Nano-Silver, and**
- **StackSmart Storage with Nano-Silver**

line of products through eBay. A review of the eBay website shows that these products are offered for sale with the following pesticidal claims:

1. "Go Green Premium Nano Silver is 21st century line of air tight, water tight and Nano Silver embedded food storage containers. Silver particles are embedded in plastic which makes the plastic resistant to the formation of mold or bacteria which significantly extends the life of food",
2. "Kills over 650 types of bacteria",
3. "Nano silver's effectiveness is not weakened as it destroys bacteria",

4. "Micro-particles of antimicrobial silver are infused into the propylene to protect the containers against mold, fungus and other microorganisms",
5. "BPA-free and resistant to mold and bacteria, significantly extending the life of food", and
6. "Nano-sized silver particles allow food to stay fresh up to 3 times longer".

Additionally, at least two of the above mentioned products contain nano silver, an unregistered pesticide. Due to the presence of nano silver and/or the above mentioned claims, these products are regarded as unregistered pesticide products. The distribution or sale of an unregistered product is considered to be a violation of Section 12(a)(1)(A) of FIFRA. Furthermore, the eBay website contains false and misleading statements, such as "FDA approved Nano Silver technology", and "safe". These statements render these products as misbranded as per Section 2(q) of FIFRA; the distribution/sale of a misbranded pesticide is considered to be a violation of Section 12(a)(1)(E) of FIFRA.

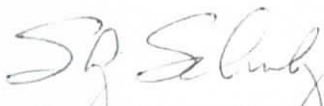
Based upon the above-described violations, EPA requests that you remove these products (all sizes) from your distribution. Please be aware that unlawful acts under Section 12 of FIFRA may be subject to civil and criminal penalty provisions authorized under Section 14 of FIFRA, 7 U.S.C. § 136l.


This letter represents a formal Notice of Warning, issued pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act. Please inform us in writing within 30 days of receipt of this Notice of Warning of the corrective actions you have taken. Your reply, with supporting documentation, should be sent to:

Aarti Reddy
Environmental Engineer, Pesticides Team
U.S. Environmental Protection Agency
Region 2, Edison Facility
2890 Woodbridge Avenue, MS-500
Edison, New Jersey 08837
reddy.aarti@epa.gov

If you have any questions or concerns regarding this matter, please feel free to contact Ms. Aarti Reddy of my staff at (732) 906-6686.

Sincerely,



 Dore LaPosta, Director
Division of Enforcement and Compliance Assistance



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APR 1 - 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

7012 2210 0001 2356 8572

Case No. 2014304

Mr. Tyson Soptich, Corporate Attorney
DrugStore.com, Inc.
411 108th Avenue Ne, Suite 1400
Bellevue, WA 98004

**Re: Notice of Warning for Violation of the Federal Insecticide, Fungicide,
and Rodenticide Act for sale/distribution of unregistered pesticide
products.**

Dear Mr. Soptich:

This Notice constitutes a warning pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 United States Code (U.S.C.) § 136g(c)(3), and notifies you that the United States Environmental Protection Agency (EPA) has reason to believe that you are in violation of Sections 12(a)(1)(A) and 12(a)(1)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

On November 13, 2013, duly authorized EPA inspectors conducted an inspection at Kinetic, A Division of Pathway ("Kinetic") located at 150 Engle Street, Englewood, New Jersey. Based on the information gathered by EPA prior to, during and/or subsequent to this inspection, EPA has determined that Kinetic distributes/sells the:

- **Kinetic Go Green Premium Nanosilver Food Storage Containers,**
- **Kinetic Smartwist Series Containers,**
- **TRITAN Food Storage with Nano-Silver, and**
- **StackSmart Storage with Nano-Silver**

line of products through DrugStore.com. A review of the DrugStore.com website shows that these products are offered for sale with the following pesticidal claims:

1. "Go Green Premium Nano Silver is 21st century line of air tight, water tight and Nano Silver embedded food storage containers. Silver particles are embedded in plastic which makes the plastic resistant to the formation of mold or bacteria which significantly extends the life of food",
2. "Kills over 650 types of bacteria",
3. "Nano silver's effectiveness is not weakened as it destroys bacteria",

4. "Micro-particles of antimicrobial silver are infused into the propylene to protect the containers against mold, fungus and other microorganisms",
5. "BPA-free and resistant to mold and bacteria, significantly extending the life of food", and
6. "Nano-sized silver particles allow food to stay fresh up to 3 times longer".

Additionally, at least two of the above mentioned products contain nano silver, an unregistered pesticide. Due to the presence of nano silver and/or the above mentioned claims, these products are regarded as unregistered pesticide products. The distribution or sale of an unregistered product is considered to be a violation of Section 12(a)(1)(A) of FIFRA. Furthermore, the DrugStore.com website contain false and misleading statements, such as "FDA approved Nano Silver technology", and "safe". These statements render these products as misbranded as per Section 2(q) of FIFRA; the distribution/sale of a misbranded pesticide is considered to be a violation of Section 12(a)(1)(E) of FIFRA.

Based upon the above-described violations, EPA requests that you remove these products (all sizes) from your distribution. Please be aware that unlawful acts under Section 12 of FIFRA may be subject to civil and criminal penalty provisions authorized under Section 14 of FIFRA , 7 U.S.C. § 136l.


This letter represents a formal Notice of Warning, issued pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act. Please inform us in writing within 30 days of receipt of this Notice of Warning of the corrective actions you have taken. Your reply, with supporting documentation, should be sent to:

Aarti Reddy
Environmental Engineer, Pesticides Team
U.S. Environmental Protection Agency
Region 2, Edison Facility
2890 Woodbridge Avenue, MS-500
Edison, New Jersey 08837
reddy.aarti@epa.gov

If you have any questions or concerns regarding this matter, please feel free to contact Ms. Aarti Reddy of my staff at (732) 906-6686.

Sincerely,



 Dore LaPosta, Director
Division of Enforcement and Compliance Assistance



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NEW YORK, NY 10007-1866

APR 1 - 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Case No. 2014307

7012 2210 0001 2356 8503

Ms. Evangelia Zorotheos, Legal Counsel
Quidsi Corp.
10 Exchange Place, 25th Floor
Jersey City, NJ 07302

**Re: Notice of Warning for Violation of the Federal Insecticide, Fungicide,
and Rodenticide Act for sale/distribution of unregistered pesticide
products.**

Dear Ms. Zorotheos:

This Notice constitutes a warning pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 United States Code (U.S.C.) § 136(c)(3), and notifies you that the United States Environmental Protection Agency (EPA) has reason to believe that you are in violation of Sections 12(a)(1)(A) and 12(a)(1)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

On November 13, 2013, duly authorized EPA inspectors conducted an inspection at Kinetic, A Division of Pathway ("Kinetic") located at 150 Engle Street, Englewood, New Jersey. Based on the information gathered by EPA prior to, during and/or subsequent to this inspection, EPA has determined that Kinetic distributes/sells the:

- **Kinetic Go Green Premium Nanosilver Food Storage Containers,**
- **Kinetic Smartwist Series Containers,**
- **TRITAN Food Storage with Nano-Silver, and**
- **StackSmart Storage with Nano-Silver**

line of products through Soap.com, one of your companies. A review of the Soap.com website shows that these products are offered for sale with the following pesticidal claims:

1. "Go Green Premium Nano Silver is 21st century line of air tight, water tight and Nano Silver embedded food storage containers. Silver particles are embedded in plastic which makes the plastic resistant to the formation of mold or bacteria which significantly extends the life of food",
2. "Kills over 650 types of bacteria",
3. "Nano silver's effectiveness is not weakened as it destroys bacteria",

4. "Micro-particles of antimicrobial silver are infused into the propylene to protect the containers against mold, fungus and other microorganisms",
5. "BPA-free and resistant to mold and bacteria, significantly extending the life of food", and
6. "Nano-sized silver particles allow food to stay fresh up to 3 times longer".

Additionally, at least two of the above mentioned products contain nano silver, an unregistered pesticide. Due to the presence of nano silver and/or the above mentioned claims, these products are regarded as unregistered pesticide products. The distribution or sale of an unregistered product is considered to be a violation of Section 12(a)(1)(A) of FIFRA. Furthermore, the Soap.com website contains false and misleading statements, such as "FDA approved Nano Silver technology", and "safe". These statements render these products as misbranded as per Section 2(q) of FIFRA; the distribution/sale of a misbranded pesticide is considered to be a violation of Section 12(a)(1)(E) of FIFRA.

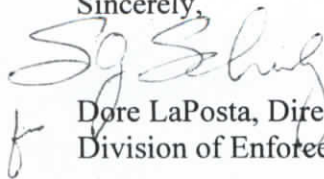
Based upon the above-described violations, EPA requests that you remove these products (all sizes) from your distribution. Please be aware that unlawful acts under Section 12 of FIFRA may be subject to civil and criminal penalty provisions authorized under Section 14 of FIFRA, 7 U.S.C. § 136l.

This letter represents a formal Notice of Warning, issued pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act. Please inform us in writing within 30 days of receipt of this Notice of Warning of the corrective actions you have taken. Your reply, with supporting documentation, should be sent to:

Aarti Reddy
Environmental Engineer, Pesticides Team
U.S. Environmental Protection Agency
Region 2, Edison Facility
2890 Woodbridge Avenue, MS-500
Edison, New Jersey 08837
reddy.aarti@epa.gov

If you have any questions or concerns regarding this matter, please feel free to contact Ms. Aarti Reddy of my staff at (732) 906-6686.

Sincerely,



Dore LaPosta, Director
Division of Enforcement and Compliance Assistance



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APR 1 - 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED
7012 2210 0001 2356 8480

Case No. 2014306

Ms. Donna Haslop, Sales Manager
NeatlySmart.com, Inc.
1390 Nuebrecht Road
Lima, OH 45801

**Re: Notice of Warning for Violation of the Federal Insecticide, Fungicide,
and Rodenticide Act for sale/distribution of unregistered pesticide
products.**

Dear Ms. Haslop:

This Notice constitutes a warning pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 United States Code (U.S.C.) § 136g(c)(3), and notifies you that the United States Environmental Protection Agency (EPA) has reason to believe that you are in violation of Sections 12(a)(1)(A) and 12(a)(1)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

On November 13, 2013, duly authorized EPA inspectors conducted an inspection at Kinetic, A Division of Pathway ("Kinetic") located at 150 Engle Street, Englewood, New Jersey. Based on the information gathered by EPA prior to, during and/or subsequent to this inspection, EPA has determined that Kinetic distributes/sells the:

- **Kinetic Go Green Premium Nanosilver Food Storage Containers,**
- **Kinetic Smartwist Series Containers,**
- **TRITAN Food Storage with Nano-Silver, and**
- **StackSmart Storage with Nano-Silver**

line of products through NeatlySmart.com. A review of the NeatlySmart.com website shows that these products are offered for sale with the following pesticidal claims:

1. "Go Green Premium Nano Silver is 21st century line of air tight, water tight and Nano Silver embedded food storage containers. Silver particles are embedded in plastic which makes the plastic resistant to the formation of mold or bacteria which significantly extends the life of food",
2. "Kills over 650 types of bacteria",
3. "Nano silver's effectiveness is not weakened as it destroys bacteria",

4. "Micro-particles of antimicrobial silver are infused into the propylene to protect the containers against mold, fungus and other microorganisms",
5. "BPA-free and resistant to mold and bacteria, significantly extending the life of food", and
6. "Nano-sized silver particles allow food to stay fresh up to 3 times longer".

Additionally, at least two of the above mentioned products contain nano silver, an unregistered pesticide. Due to the presence of nano silver and/or the above mentioned claims, these products are regarded as unregistered pesticide products. The distribution or sale of an unregistered product is considered to be a violation of Section 12(a)(1)(A) of FIFRA. Furthermore, the NeatlySmart.com website contains false and misleading statements, such as "FDA approved Nano Silver technology", and "safe". These statements render these products as misbranded as per Section 2(q) of FIFRA; the distribution/sale of a misbranded pesticide is considered to be a violation of Section 12(a)(1)(E) of FIFRA.

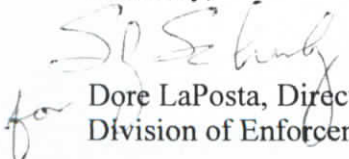
Based upon the above-described violations, EPA requests that you remove these products (all sizes) from your distribution. Please be aware that unlawful acts under Section 12 of FIFRA may be subject to civil and criminal penalty provisions authorized under Section 14 of FIFRA, 7 U.S.C. § 136l.

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U.S. Environmental Protection Agency
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2890 Woodbridge Avenue, MS-500
Edison, New Jersey 08837
reddy.aarti@epa.gov

If you have any questions or concerns regarding this matter, please feel free to contact Ms. Aarti Reddy of my staff at (732) 906-6686.

Sincerely,


for Dore LaPosta, Director
Division of Enforcement and Compliance Assistance



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR 1 - 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Case No. 2014302

7012 2210 0001 2356 8558

Mr. Michael Olsen, Director of Environmental Affairs
Sears, Roebuck and Co.
3333 Beverly Road, B5-362A
Hoffman Estates, IL 60179

**Re: Notice of Warning for Violation of the Federal Insecticide, Fungicide,
and Rodenticide Act for sale/distribution of unregistered pesticide
products.**

Dear Mr. Olsen:

This Notice constitutes a warning pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 United States Code (U.S.C.) § 136g(c)(3), and notifies you that the United States Environmental Protection Agency (EPA) has reason to believe that you are in violation of Sections 12(a)(1)(A) and 12(a)(1)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

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- **Kinetic Go Green Premium Nanosilver Food Storage Containers,**
- **Kinetic Smartwist Series Containers,**
- **TRITAN Food Storage with Nano-Silver, and**
- **StackSmart Storage with Nano-Silver**

line of products through Sears. A review of the Sears website shows that these products are offered for sale with the following pesticidal claims:

1. "Go Green Premium Nano Silver is 21st century line of air tight, water tight and Nano Silver embedded food storage containers. Silver particles are embedded in plastic which makes the plastic resistant to the formation of mold or bacteria which significantly extends the life of food",
2. "Kills over 650 types of bacteria",
3. "Nano silver's effectiveness is not weakened as it destroys bacteria",

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5. "BPA-free and resistant to mold and bacteria, significantly extending the life of food", and
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Additionally, at least two of the above mentioned products contain nano silver, an unregistered pesticide. Due to the presence of nano silver and/or the above mentioned claims, these products are regarded as unregistered pesticide products. The distribution or sale of an unregistered product is considered to be a violation of Section 12(a)(1)(A) of FIFRA. Furthermore, the Sears website contain false and misleading statements, such as "FDA approved Nano Silver technology", and "safe". These statements render these products as misbranded as per Section 2(q) of FIFRA; the distribution/sale of a misbranded pesticide is considered to be a violation of Section 12(a)(1)(E) of FIFRA.

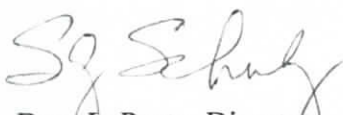
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Edison, New Jersey 08837
reddy.aarti@epa.gov

If you have any questions or concerns regarding this matter, please feel free to contact Ms. Aarti Reddy of my staff at (732) 906-6686.

Sincerely,



for Dore LaPosta, Director
Division of Enforcement and Compliance Assistance



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290 BROADWAY
NEW YORK, NY 10007-1866

APR 1 - 2014

CERTIFIED MAIL RETURN RECEIPT REQUESTED

7012 2210 0001 2356 8541

Case No. 2014301

Ms. Amber Beckman, VP of Legal Retail Team
Amazon
410 Terry Avenue North
Seattle, WA 98109-5210

**Re: Notice of Warning for Violation of the Federal Insecticide, Fungicide,
and Rodenticide Act for sale/distribution of unregistered pesticide
products.**

Dear Ms. Beckman:

This Notice constitutes a warning pursuant to Section 9(c)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 United States Code (U.S.C.) § 136g(c)(3), and notifies you that the United States Environmental Protection Agency (EPA) has reason to believe that you are in violation of Sections 12(a)(1)(A) and 12(a)(1)(E) of the Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA").

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- **Kinetic Go Green Premium Nanosilver Food Storage Containers,**
- **Kinetic Smartwist Series Containers,**
- **TRITAN Food Storage with Nano-Silver, and**
- **StackSmart Storage with Nano-Silver**

line of products through Amazon and Casa. A review of the Amazon and Casa websites shows that these products are offered for sale with the following pesticidal claims:

1. "Go Green Premium Nano Silver is 21st century line of air tight, water tight and Nano Silver embedded food storage containers. Silver particles are embedded in plastic which makes the plastic resistant to the formation of mold or bacteria which significantly extends the life of food",
2. "Kills over 650 types of bacteria",
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4. "Micro-particles of antimicrobial silver are infused into the propylene to protect the containers against mold, fungus and other microorganisms",
5. "BPA-free and resistant to mold and bacteria, significantly extending the life of food", and
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Additionally, at least two of the above mentioned products contain nano silver, an unregistered pesticide. Due to the presence of nano silver and/or the above mentioned claims, these products are regarded as unregistered pesticide products. The distribution or sale of an unregistered product is considered to be a violation of Section 12(a)(1)(A) of FIFRA. Furthermore, the Amazon and Casa websites contain false and misleading statements, such as "FDA approved Nano Silver technology", and "safe". These statements render these products as misbranded as per Section 2(q) of FIFRA; the distribution/sale of a misbranded pesticide is considered to be a violation of Section 12(a)(1)(E) of FIFRA.

Based upon the above-described violations, EPA requests that you remove these products (all sizes) from your distribution. Please be aware that unlawful acts under Section 12 of FIFRA may be subject to civil and criminal penalty provisions authorized under Section 14 of FIFRA, 7 U.S.C. § 136l.

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Aarti Reddy
Environmental Engineer, Pesticides Team
U.S. Environmental Protection Agency
Region 2, Edison Facility
2890 Woodbridge Avenue, MS-500
Edison, New Jersey 08837
reddy.aarti@epa.gov

If you have any questions or concerns regarding this matter, please feel free to contact Ms. Aarti Reddy of my staff at (732) 906-6686.

Sincerely,


f

Dore LaPosta, Director
Division of Enforcement and Compliance Assistance